



Private Property Debris Removal



Reimbursement for removal of debris from private property can only be reimbursed under specific circumstances and only with prior state and/or federal approval.

State Regulations for Private Property Debris Removal

Under state regulations, debris removal from private property is reimbursable only when there is an immediate threat to life, public health and safety.

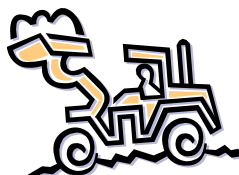
- Title 19, Section 2925 (2) (A-C)) does allow for the removal of debris under the following:
 - (2) For purposes of this program, the removal of debris from private property shall be reimbursed only when there is an immediate threat to public health and safety. In a case where reimbursement for debris removal from private property is authorized by the Agency Secretary, the following requirements shall apply, unless waived in part or full by the Agency Secretary:
 - (A) The property owner must remove all disaster-related debris from the property to the curb or public right-of-way;
 - (B) The local agency must obtain a signed statement from the property owner to the effect that the property owner does not have insurance covering the removal of the disaster-related debris; and,
 - (C) The local agency must have a signed statement from the property owner giving the local agency the right of entry and absolving the local agency and the state of any liability relative to removal.

Federal Regulations for Private Property Debris Removal

(Stafford Act Sections 403 and 407 and 44 CFR 206.224(b)) provide the authority to fund eligible applicants to remove debris from private property. This work may only be eligible when:

- The disaster caused very severe and widespread damage
- The removal is necessary to eliminate an immediate threat to life, public health and safety or to improve public or private property, or to ensure the economic recovery of the affected community to the benefit of the community-at-large
- An eligible applicant, such as a municipal or county government, performs the work.
- The private property owner has provided all insurance information
- It is pre-approved by the Agency Secretary and/or Federal Disaster Recovery Manager (DRM)
- Required legal documents are in place:
 - ♦ Insurance documents
 - ♦ Hold Harmless Agreement
 - ♦ Right-of-Entry Agreement

In federally declared events, applicants and property owners must be aware that only FEMA makes eligibility determinations regarding removal of debris from private property. Not all actions that may be taken by the local governments are eligible for FEMA assistance.



Demonstrating a Threat

An applicant must demonstrate that removal of debris on private property is required to reduce a threat.

A resolution after a disaster by an applicant that debris on private property constitutes a threat to public health and safety does not in itself make the debris removal eligible.

- The applicant should submit for review and approval specific legal requirements for declaring the existence of the threat.
- A damaged structure may be a public health and safety hazard if it could be condemned as such, pursuant to the provisions of an applicant's ordinance related to condemnation of damaged structures. A qualified individual, such as a certified building inspector, must make this determination.
- A public health hazard may exist if such a determination is made pursuant to the provision of an applicant's ordinance related to public health. An individual qualified to do so, such as a public health official, must make such a determination.



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Key Points

Below are several key points to remember when considering private property debris removal. While this information may be repetitive, it is imperative that the applicant understand that private property debris removal is not simply a matter of being a good idea; local governments must recognize the amount of time, responsibilities and effort that they will need to contribute in order to ensure a successful private property debris removal program.

- The Applicant must document that the debris is a threat to the public health and safety, (if FEMA gets involved, they will want to see test results so this must be done immediately, not when FEMA declares a federal emergency/declaration),
- The Applicant must pursue insurance recovery from the property owners for debris removal,
- The Applicant must monitor the contractors removing the debris to ensure that only eligible debris is removed and that only eligible works is being done,
- The Applicant must have a right-of-entry form from the property owner prior to beginning the debris removal work,
- The Applicant must ensure that those property owners who did not sign up for the debris removal program, remove the debris in a timely manner and that if they don't, the Applicant must take appropriate action to ensure that the debris is removed (such as abatement) and that those costs are not reimbursable,
- Hazardous trees can be removed IF they pose a threat to the public health and safety, this must be documented before the tree is removed, and lastly;
- If FEMA does not get involved the Applicant will be liable for the **entire 25%** cost share for any type of debris removal program.



Additional Resources

- [CalEMA Concept of Operations](#)
- [Debris Removal Flyer](#)
- [Private Property Debris Removal](#)
- [Debris Contracts Flyer](#)
- [Debris Forecasting Flyer](#)
- [Debris Estimating Flyer](#)
- [Temporary Debris Storage Site Flyer](#)
- [Debris Management Plan Flyer](#)
- [CalEMA Debris Training Manual](#)

Web Sites

- www.calema.ca.gov
- www.calrecycle.ca.gov
- www.fema.gov



Ineligible Debris



Only disaster-related debris that requires removal to reduce or eliminate an immediate threat is eligible. The following is not eligible for reimbursement:

- Privately owned vehicles, whether or not insured.
- Old white goods located on private property awaiting proper disposal.
- Old tires, batteries, or any equipment/material located on private property awaiting proper disposal.
- Damaged swimming pools, basements and foundations. If it is determined that a public safety hazard exists, FEMA may reimburse the cost of filling these structures.
- Reconstruction debris, sometimes called construction rubble, resulting from reconstruction activities. Removal should be a part of the renovation contract and is to be removed by the contractor.
- Debris that does not pose a threat is not eligible for removal. For example, miscellaneous debris, such as minor vegetation and rubble, is not eligible. Raking of private property to ensure glass and nails are removed is not eligible.
- If an eligible applicant damages private property as a result of eligible debris removal activities, repairs to the property are not eligible unless the damage results in a health or safety risk. Similarly, if private property is damaged by a Federal agency engaged in disaster response activities, the Federal government is not liable for repairs to that property.



Got Questions?

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Regulations: *CDAA, Section 2925*
44 CFR, Section 206.224.
Stafford Act, Sections 403 & 407

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